

# **LINCOLN PLANNING BOARD**

**OCTOBER 26, 2011**

## **APPROVED**

The regular meeting of the Planning Board was held on Wednesday, October 26, 2011, at the Lincoln Town Hall, 100 Old River Road, Lincoln, Rhode Island.

Chairman Olean called the meeting to order at 7:00 p.m. The following members were present: Gerald Olean, John Hunt, Michael Reilly, Kenneth Bostic, Timothy Griffin, Jeffrey Delgrande and William Murphy. Also in attendance were Town Planner Al Ranaldi, Town Solicitor Anthony DeSisto and Town Engineer Laszlo Siegmund. Russell Hervieux kept the minutes.

Chairman Olean advised that seven members were present; have quorum.

Chairman Olean welcomed new member William Murphy to the Board.

## **CONSENT AGENDA**

Chairman Olean reminded members that the consent agenda has two zoning applications, two recorded decisions and staff reports. A consent agenda is normally voted on in total unless a member

**motions to remove an item.**

**Motion was made by member Reilly to accept the consent agenda as presented was seconded by member Hunt. Motion was approved by all members present.**

**Member Reilly made a motion to amend the agenda to take items 4b, Lincoln Meadows II, and 5a, MacColl Field YMCA, first and second respectively. The motion was seconded by member Delgrande. Motion was approved by all members present.**

## **MAJOR SUBDIVISION REVIEW**

**a. Lincoln Meadows II AP 45 Lots 181 & 437 Preliminary Plan Phasing**

**Angellin, LLC Angell Road Discussion/Approval**

**Mr. Ranaldi stated that this is a 20 lot residential subdivision which has preliminary plan approval. The developer originally planned to do everything in one phase. However, due to the economic climate that is no longer an option. The applicant is suggesting phasing the project according to the plan submitted to the Board. The phasing would be two residential lots for the first phase, four residential lots for the second phase and all the remaining lots would be in the third phase. All lots in phases one and two would be served by gravity sewers. The Town worked with the developer along with the Fire**

Department for the naming of the roads. The Lincoln Water Commission found the phasing plan acceptable. If the Board sees fit to approve the phasing then the applicant could do one phase at a time and receive approvals for that phase. The TRC reviewed the plans and submitted letters. The TRC felt that the phasing plan is acceptable and recommends approval. The TRC also recommends that final plan approval be delegated to the Administrative Officer.

John Shekarchi, attorney for the applicant, made a brief presentation. Mr. Shekarchi stated that his client worked out the issues with this phasing plan including the naming of the streets. The Fire Department has submitted a letter stating that the phasing plan is not a safety issue. The applicant would request that the final plan approval for each phase be done administratively so the applicant does not have to keep coming back to the Board. Chairman Olean made a clarification on the approval. The delegation of final plan approval would be delegated to the Administrative Officer would be for phase one and phase two only. Mr. Shekarchi agreed that phase three, or the balance of the subdivision, would have to come back before the Board for final approval.

Motion made by member Griffin to approve the phasing plan as per the TRC recommendations and delegate final approval for phases one and two to the Administrative Officer. The motion was seconded by member Reilly. Motion was approved by all members present.

## **MAJOR LAND DEVELOPMENT REVIEW**

### **a. MacColl Field YMCA AP 25 Lots 58,68,69,71 Preliminary Plan Revision**

#### **YMCA of Pawtucket, Inc. Breakneck Hill Road Discussion/Approval**

**Mr. Ranaldi stated that this application is for a land development project currently under construction which includes a 40,000 square foot recreation building. The entire plan hinged on the upgrade of the East Butterfly sewer pump station. A great deal of discussions and design went into this project's approval to be sure the sewer system down line could handle the flow with the upgrade of this pump station. The design phase of the East Butterfly pump station took more time than anyone expected. The applicant agreed to a development agreement with the Town as part of this project's approval. The development agreement gave the developer until December 31, 2011 to design and install the East Butterfly pump station upgrades. Since the design took longer than expected, the applicant is concerned that the pump station upgrades may not be complete by December 31, 2011. The applicant, out of an abundance of caution, is asking for a six month extension of the development agreement until June 1, 2012. The Town does have approved plans for the pump station upgrades. The applicant has also given the Town a bond of \$200,000. All other requirements of the agreement have been met so the applicant wishes to extend the deadline by six months. The TRC reviewed this proposal and felt that this was a**

**reasonable request and recommend approval.**

**There were no representatives of the applicant present to testify at this meeting. Chairman Olean asked if the work is still proceeding. Mr. Ranaldi stated that the applicant is proceeding with the work. The design just took longer than expected to satisfy the Town's needs.**

**Motion made by member Bostic to accept the TRC recommendations and approve a six month extension of the development agreement to June 30, 2012. Motion was seconded by member Griffin. Motion was approved by all members present.**

## **MAJOR SUBDIVISION REVIEW**

**a. Kirkbrae Ledges Subdivision-Phase 11 AP 32 Lot 45                      Public  
Hearing—7:00 PM**

**Kirkbrae Ledges, LLC   Lancers Lane & Preliminary Plan  
Hemlock Road Discussion/Approval**

**Chairman Olean called the Public Hearing to order at 7:10 pm. Roll call of the abutters list was read by the recording secretary. There were several responses to the reading of the abutters list. Chairman Olean called for any other abutters in the audience whose name was not read to be recognized. No responses were given.**

**Mr. Ranaldi stated that this application is under the 2005 subdivision**

regulations. The Board has until December 8, 2011 to make a decision on preliminary plan. The TRC report has an error contained on page 3. In the second paragraph, the line appears "Therefore, the proposed pavement width for this development would be reduced from 30 feet to 26 feet wide with 7 feet of grassed easement area running..." The word grassed is to be replaced with public in describing the easement area. This application represents a 10 lot subdivision off Lancers Lane with a new road having two cul-de-sacs.

There are several waivers & conditions, listed in the TRC report, which have been discussed at length and some have approval at master plan. There is one another concern to bring to the Board's attention which is not in the TRC report. The applicant has a consent agreement with RIDEM. The consent agreement states that the applicant does not have wetlands permit at this time. The agreement states that the applicant has to record final plan before the permit can be issued. The TRC recommends that we listen to concerns brought out at the public hearing and return to the Board next month for preliminary plan review and/or approval.

Joelle Sylvia, attorney for the applicant, made a presentation to the Board. Ms. Sylvia stated that she has Cari Orsi, engineer for the applicant, as well as Greg Richards, principal for Kirkbrae Ledges, with her tonight. This subdivision was before the Board in October of 2006 when master plan approval was granted. The master plan called for 11 residential lots as well as a number of waivers beyond what is proposed now. The reason for the change is both discussions with

**RIDEM and the Town. The discussions with RIDEM revolved around an application for the alteration of wetlands. As a result of discussions with RIDEM, a consent agreement was entered whereby a conservation area is designated on the site. The reason for the delay in receiving the wetlands permit is that RIDEM wants the recording of the conservation easement before issuing the permit. The easement can not be recorded until final plan is approved as it is a newly created lot in this subdivision. The consent agreement is binding and will be recorded. Ms. Sylvia will discuss the waivers but would like the engineer to discuss the site layout first.**

**Cari Orsi, engineer for the applicant, made a presentation to the Board. Ms. Orsi stated that the latest plan reduces the number of lots from 11 lots to 10 residential lots. The lot that was off Hemlock Road has been eliminated. The proposal is to extend Lancers Lane to a tee intersection of a new road with two cul-de-sacs. The applicant is proposing sidewalks on one side. The lots that require waivers are lots #1, #5 and #12. There will be some retaining walls which will be inspected by a third party engineer. The water line will go through the site and extend into a twenty foot easement to service State owned property. The sewer is a combination of gravity and force mains. The force mains will be privately owned and the easements, which a Homeowners Association shall own, will be on private land. The force mains will dump into a gravity sewer on Lancers Lane. Drainage will be mitigated through two proposed detention basins to achieve a net zero runoff from the site. The applicant is also adding**

two high capacity drainage grates to the existing portion of Lancers Lane. The conservation easement is located at the end of the development off Hemlock Road and is designated as lot #12. This lot will be strictly for conservation and can not be developed. Chairman Olean asked for an explanation of what the conservation easement is.

Ms. Sylvia explained that the easement is granted in favor of RIDEM. Under RIDEM regulations, the use of the land is restricted. Those restrictions can be enforced. The ownership of the land is in question at this time. Originally, RIDEM wanted the Town to own the land but the Town has turned that down. Currently, Kirkbrae Ledges owns the land. No matter who owns the land the conservation easement will still be in force. Member Bostic had a concern that the plan before the Board does not have a surveyors stamp on it. Ms. Orsi stated the Town was provided a stamped plan in the past. Another stamped plan can be provided to the Town. Chairman Olean asked Ms. Sylvia if she is familiar with the TRC report. Ms. Sylvia replied that she was familiar with it and is in agreement with it. However, there is some language in the report about the Town approving the consent agreement before final plan approval. Ms. Sylvia disagreed with that part from a legal standpoint since the Town is not a party to the consent agreement so there is no need for the Town to approve it. Chairman Olean asked the Town Solicitor about the Town position on that comment. Mr. DeSisto stated that he reviewed the conservation easement which prohibits any development within the easement. The only difference that the Town has with the applicant is that the easement could be recorded prior to



final plan and the Town does not want the easement as stated in the agreement. Chairman Olean asked if the differences could be worked out before next meeting. Ms. Sylvia stated she could put in some calls to RIDEM because the changes to the agreement would have to be approved by RIDEM. The problem is the ownership of the easement will have to be determined since the Town does not want it. The applicant is not ready to name an owner at this time. Mr. DeSisto reiterated that the consent agreement for the conservation easement needs to be amended to remove the Town as the owner and record before final plan. Ms. Sylvia stated she will open negotiations with RIDEM to amend the consent agreement.

Ms. Sylvia requested to go over the waiver requests. The first three waivers were approved at master plan stage. They were all for buildable area requirements. Those three waivers were requested due to the slopes and easements on those lots. The fourth waiver was also approved at master plan stage. The waiver is for the allowed length of a dead end road. This waiver was reduced by 50 feet from master plan. The fifth waiver is for the width of the public right-of-way from 50' to 40'. This request is for the easements due to the topography and that the road will only serve ten houses. The sixth waiver is for the pavement width from 30' to 26'. There has been research that this width is sufficient for this type of service road. The lessened pavement width will provide more permeable area and will assist in drainage. The engineer has made sure there will be no net increase in runoff from this site.

**Chairman Olean opened up the meeting to comments from the public. Several members of the public came forward.**

**Kim Pierce of 19 Kirkbrae Drive spoke in opposition to this application. Ms. Pierce is concerned about increase in traffic especially for the conservation easement. Ms. Pierce is concerned about inviting the public to this conservation area which is very close to her property. Ms. Pierce doesn't want her lifestyle to change because this applicant wants to make money by building houses. She is also concerned about the blasting and drainage.**

**Artin Taskin of 7 Timberland Drive had concerns about the detention ponds. Mr. Taskin wanted to know who decides how much water the pond will hold and where the extra drains off to. Mr. Taskin is concerned that the stream going by his property will grow larger because of this development. Ms. Orsi explained that the detention basins are designed per existing and proposed flows and have to be designed to accommodate the 100 year storm. The overflow is directed to existing wetlands at a controlled rate.**

**Sharon Fisher of 11 Timberland Drive spoke in opposition to this application. Ms. Fisher had concerns that the conservation easement does not satisfy conditions listed in the denial letter from RIDEM in 2003. Ms. Fisher does not understand how the easement will protect the endangered species when it does not about the existing wetlands.**

The construction will hurt this habitat so the conservation easement is pointless. Ms. Fisher feels Krkbrae Ledges should do another environmental impact inspection on this property and this Board can make the applicant do that. Ms. Fisher states she hates to lose the natural habitat behind her property to see possibly vacant houses. Concerns about blasting were also raised since there is a large amount of bedrock behind her property. The emergency spillway for the detention basin is directed toward this property which is a great concern for flooding. Ms. Fisher requested that if this project is approved, that an independent engineer oversees the drainage installation to assure it is installed correctly and will not fail.

Steve Russo of 5 Timberland Drive had a couple of questions. The conservation area appears to abut the back of this property. Mr. Russo inquired about where the access to the conservation area would be. Mr. Russo's deed has a provision that a fence can not be erected at 5 Timberland Drive without permission from a large number of neighbors. Would the plan require a setback for trails from the property line? Ms. Orsi stated that the access would be from Hemlock Drive. Ms. Orsi also stated that there is no restriction as to how close the trails could come to the property line. Mr. Russo was concerned that people would use his property as part of this conservation area. Another concern is drainage as this property already has water issues.

Mark Driscoll of 1 Lancers Lane had a couple of concerns for the

**Board. The biggest concern is the blasting. This property is the closest to the area that would require blasting. Mr. Driscoll wanted to know the kind of assurances the neighbors will have when the blasting takes place. Drainage is also a major concern. This property has undergone extensive alterations to alleviate excess drainage and underground water around the house. The concern is altering this site and blasting will affect those alterations.**

**Kim Pierce spoke for a second time. Ms. Pierce stated that the Board should visit the site and area around it to see how this development could affect it. Ms. Pierce was very concerned about the length of construction time and the conservation area and how it will affect current residents.**

**Steve Russo spoke for a second time. Mr. Russo expressed a concern about parking for people visiting the conservation easement.**

**Carlene Macksoud-Driscoll of 1 Lancers Lane asked the Board if they could insist that RIDEM come out and reevaluate the wildlife and plant species on that parcel. The neighbors would like it done but can not request RIDEM to do so since they don't own the land.**

**Jim Sutter of 12 Timberland Drive spoke on drainage concerns. Mr. Sutter showed the Board where the runoff currently runs over the road and creating icing issues in the winter. Mr. Sutter asked if the**

runoff is being dealt with or will it remain after this project is completed.

Joe Decotis of 1683 Old Louisquisset Pike wanted to express an opinion from someone who does not live in this development. Mr. Decotis stated he feels it is a bad idea because of the extreme amounts of ledge, endangered species and runoff. A compromise may be in order of possibly less houses to satisfy the neighbors concerns.

Chairman Olean asked if anyone else from the public would like to speak. No more members of the public came forward to speak. Motion made by member Bostic to close the public hearing at 8:09 pm was seconded by member Griffin. Motion was approved by all members present.

Joelle Sylvia, attorney for the applicant, made some comments to the concerns of the public. Ms. Sylvia apologized for not addressing the blasting concern earlier. If blasting is required, the blasting contractor is required to adhere to stringent regulations of the State Fire Marshall. State law sets forth safeguards for neighboring property owners. The contractor would also have to post a significant bond on the project. Notification is provided to land owners within 500 feet measured from the blast location. Chairman Olean asked if the applicant would consider preblast surveys of all neighboring properties. Ms. Sylvia stated she believed the applicant

would consider that. This application went through substantial review at RIDEM which addresses the concerns of the endangered species being affected. A culvert was added to the plans, per RIDEM, between the wetlands for animal use. There were no off site drainage corrections submitted or requested by the Town for existing drainage issues. This project will not add to those issues. Member Hunt asked if the conservation easement the only option for approval from RIDEM. Ms. Sylvia stated that was true. Member Bostic suggested that a tree line or fence be installed to segregate the conservation easement from private properties. Ms. Sylvia stated that usually RIDEM will not let you plant trees in the easement area. Town Solicitor Anthony DeSisto stated that the management plan dated March 2010 for this easement should answer these issues but he has not had a chance to review it. Chairman Olean asked if the management plan could be provided to the Town. Ms. Sylvia stated she would get a copy to the Board and the Administrative Officer for public review.

Motion made by member Hunt to defer this application to next month's meeting and the applicant will supply the Town with a copy of the management plan for the conservation easement before next meeting was seconded by member Delgrande. Motion was approved by all members present.

## **SECRETARY'S REPORT**

**The Board was given two sets of minutes to review. They are for July 27, 2011 and August 24, 2011. The Town Planner Al Ranaldi stated that he has reviewed these minutes.**

**Motion made by member Reilly to dispense with the reading of the July 27, 2011 minutes was seconded by member Delgrande. Motion was approved by all members present.**

**Motion made by member Griffin to accept the July 27, 2011 minutes as presented was seconded by member Delgrande. Motion was approved by all members present.**

**Motion made by member Reilly to dispense with the reading of the August 24, 2011 minutes was seconded by member Bostic. Motion was approved by all members present.**

**Motion made by member Griffin to accept the August 24, 2011 minutes as presented was seconded by member Delgrande. Motion was approved by all members present.**

**Chairman Olean reminded the Board that the November meeting is a week early because of the Thanksgiving Day holiday. The meeting will be held on November 16, 2011.**

**Motion made by member Griffin to adjourn at was seconded at 8:35**

**pm by member Reilly. Motion was approved by all members present.**

**Respectfully submitted,**

**Russell Hervieux**

**Copy of Technical Review Committee Report**

**Town of Lincoln – Planning Board**

**100 Old River Road**

**Lincoln, RI 02865**

**Dear Honorable Members,**

**On October 17, 2011 at 3:00 pm, the Technical Review Committee met to review the agenda items for the October 26, 2011 meeting of the Planning Board. In attendance were Al Ranaldi, Michael Reilly, John Faile, Laszlo Siegmund, Russell Hervieux, Peggy Weigner, Michael Gagnon, and Anthony DeSisto. Below are the Committee's recommendations.**

**Major Subdivision Review**



**a. Kirkbrae Ledges Subdivision – Phase 11 AP 32 Lot 45 Public Hearing – 7:00 PM**

**- Kirkbrae Ledges, LLC Lancers Lane & Hemlock Rd Preliminary Plan Discussion / Approval**

**This major subdivision project is under the 2005 Subdivision Regulations and represents the subdivision of one lot into 10 single-family residential lots and one undeveloped lot to be deeded as permanent open space. The ten house lots are proposed to be developed off of an extension of Lancers Lane. This street extension will have two new cul-de-sacs. On October 26, 2006, the Master Plan was approved with conditions and several waivers of the subdivision regulations. The master plan approval was for 11 single-family residential lots. Several extensions were granted by the Planning Board.**

**On August 10, 2011, the preliminary plan submission received a Certificate of Completeness. According to our Subdivision Regulations, the Planning Board shall, within one hundred twenty (120) days of certification of completeness, or within such further time as may be consented to by the applicant, approve the preliminary plan as submitted, approve with changes and/or conditions, or deny the applicant, according to the requirements of Section 8. A decision on the preliminary plan review must be made by December 8, 2011, or within such further time as may be consented to by the applicant. The project is in front of the Planning Board for a Public Hearing.**

**The Technical Review Committee reviewed the proposed development according to the Land Development and Subdivision Regulations preliminary plan submission requirements. The submission includes a full size set of plans entitled “Kirkbrae Subdivision, Phase 11, dated August 2011, revised September 13, 2011, October 5, 2011 and October 18, 2011, prepared by Pare Corporation for Kirkbrae Ledges, LLC. The plan set contains 16 pages. The submission also contained: a copy of a consent agreement between the State of Rhode Island, Department of Environmental Management, Administrative Adjudication Division and Kirkbrae Ledges, LLC/Gregory Richard executed on August 17, 2010, a memorandum dated September 13, 2011 and revised on October 5, 2011 to the Lincoln Planning Board from Cari L. Orsi, P.E., Pare Corporation regarding Kirkbrae Ledges retaining wall inspections was submitted, a report entitled Lancer’s Lane - Force Main Operations & Maintenance Manual dated September 2011 and revised October 2011 prepared by Pare Corporation.**

**Below are the Technical Review Committee comments.**

#### **Site Plan:**

**A review of the plans for Kirkbrae Ledges subdivision, submitted by Pare Corporation (hereinafter Pare) on October 5, 2011 was undertaken by the Town Engineering Department. It is noted that the review was not intended to check and verify all design, such as lot areas, horizontal and vertical alignment, only to determine the general conformity of the plans with the Town of Lincoln Zoning and**

**Subdivision Regulations, for the presentation of the required information and for over-all constructability. It was primarily conducted to see the disposition of notes provided to the designers on Memorandum #4. The comments were addressed in a letter from Pare, dated October 19, 2011. Pare agreed with a preponderance of the comments made and indicated that changes were made to the plans. The review by the Town Engineer concluded that the proposed design meets all of the Town's Subdivision Regulations relating to civil engineering.**

**The new house lots will be accessed from the extension of Lancers Lane and the construction of a new 844 foot long public right-of-way with both ends terminating with cul-de-sacs.**

**According to the subdivision regulations, the maximum length of any new roadway will be 720 feet long. The proposed roadway will require a subdivision waiver. This waiver was discussed and approved at the Master Plan review stage.**

**The applicant is requesting a subdivision waiver of the allowable width of the public right-of-way from 50 feet down to 40 feet. The applicant is also requesting a subdivision waiver to reduce the pavement width from 30 feet wide to 26 feet wide with 7 feet of public easement area running along each side of the paved area. The waiver is requested due to the unique characteristics of this particular subdivision. Due to the topography, configuration of the subdivision and the property's location, the proposed street will never be extended or reconfigured to service anymore than 10 single family house lots. The proposed roadway is not a through street but a dead**

end ending in two cul-de-sacs. These waivers will also enable the reduction in the amount of impervious pavement which will in turn reduce the size of the retention basins. The reduced pavement will also reduce the amount of maintenance that the Town will ultimately be responsible for once the road is accepted. The TRC agrees with the rational of these waivers.

The Albion Fire District submitted a letter dated September 8, 2011 to the Administrative Officer stating that they spoke with the State Fire Marshalls Office and concluded that the fire department does not have the legal jurisdiction over a local community's public roadway development criteria. The letter concluded that the Albion Fire Department will support the Town's Planning Board's set guidelines as they relate to the development of new public roadways. The Director of Public Works supports the existing guidelines set out in the regulations. The Police Chief did not express any concerns with a reduced pavement width regarding public safety. This opinion was based on the unique characteristics of this particular proposed roadway.

Members of the Technical Review Committee took all of this information into consideration and debated the request. A TRC member referred the committee to the published roadway standards of the American Association of State Highway and Transportation Officials (AASHTO). This organization's recommended width for a local neighborhood roadway is 26 feet width. This measurement is based on two 10 foot travel lanes and one 6 foot parking lane. Therefore, the proposed pavement width for this development would

be reduced from 30 feet to 26 feet wide with 7 feet of grassed easement area running along each side of the paved area. Based on the recommended AASHTO local neighborhood roadway width and the unique characteristics of this particular proposed roadway, the Technical Review Committee voted to support a subdivision waiver of the roadway width from 30 feet wide to 26 feet wide.

The site is very rugged. Significant outcroppings of ledge can be seen throughout the proposed area to be developed. There is a high probability that several methods of ledge removal will be required. Blasting is one of the likely methods. The TRC recommends as a condition of Preliminary Plan approval that the applicant closely follows all State requirements regarding blasting. The plans show several houses will straddle significant elevation differences (example: house on lot #1 from El. 192 to El. 206) which will require large amounts of cuts or fill. The owner of the project should develop realistic infrastructure and site improvement costs as they will have to be closely scrutinized by the Engineering Department when it becomes time to establish the bond requirements.

This rugged site also requires the need for several retaining walls. These walls will ultimately become part of the public right-of-way and the responsibility of the Town. The TRC recommends that as a condition of preliminary plan approval, the developer hires a third party engineer who will supervise the construction of the proposed retaining walls and provide the Town with the proper documentation stating that the engineer supervised the construction of the retaining walls and that the retaining walls have been constructed in

accordance with the recommended installation methods. Pare submitted the proposed wall inspection requirements based on comments from the Town and Planning Board. The revised requirements are appropriate.

The property has extensive wetlands on it. The majority of the wetland complexes are located to the west of the proposed development. However, a section of one of the proposed house lots is located within a 200 foot riverfront buffer area. Therefore, house lot #12 does not conform to the minimum buildable area due to a 200 foot riverfront buffer area and would require a waiver of the subdivision regulations.

#### **Wetland Consent Agreement:**

The TRC was told by the applicant that the RIDEM has reviewed this proposed house lot configuration and feels that it is acceptable. As part of DEM's review and approval, a consent agreement was developed and executed. This agreement created a lot that will have a conservation easement on it and be given to the Town of Lincoln. The Town of Lincoln does not want to accept ownership of this lot. The Town prefers that this lot be incorporated into another residential lot or owned by a private party. The language of the consent agreement must be changed to remove the Town of Lincoln as being the party who will accept ownership of this parcel of land. The revised consent agreement must be reviewed by the Planning Board before Preliminary Plan can be approved.

The consent agreement also specifically states within section 6 and 7

that a permit letter will be issued after the final plan is recorded. Therefore, the applicant will have to bond the entire project including the proposed public infrastructure at a sufficient level to ensure that the necessary public improvements are installed in a proper and acceptable manner to the Town. The amount of the bond can be established and the final plan can be approved by the Planning Board at the final plan review stage.

#### **Public Utilities:**

All public utilities will be underground. Due to the existing and proposed topography created by this rugged site, five of the new houses are proposed to be connected to the public gravity sewer system by private force mains running along private easements. The TRC reviewed this option and feels that it is an acceptable method as long as each force main is located on private property. The applicant submitted a proposed "Force Main Operations & Maintenance Manual" that will be given to each new homeowner. A homeowners association made up of the five houses using force mains will be established in order to ensure the requirements set out in this manual. All houses will be directly serviced with public water.

The need for private easements running along some of the property lines has created minimum buildable lot area issues for two proposed house lots. Lot #1 and Lot #5 do not conform to the minimum buildable area due to steep slopes and the presence of private easements. A waiver from the subdivision regulations would be required for each house lot. The TRC reviewed these two waivers and

**feel that they are reasonable due to the unique characteristics of the property.**

**An additional 20 foot wide easement running from the proposed roadway through town owned property (AP30 Lot 9) and down to state highway system (Rt. 295) will provide a connection of water, sewer, gas, electric, and telecomm utilities for the proposed I-295 southbound rest area. This easement will also provide an additional public water connection across I-295 which will improve water system operation and fire protection capabilities for the Town of Lincoln. This easement was a negotiated condition of development with the State of Rhode Island.**

#### **Subdivision Waivers:**

**The Planning Board approved a total of 11 subdivision waivers for this project at the Master Plan review stage. At this review stage, ten proposed house lots required and received a waiver from the minimum buildable lot area. These lots contained steep slopes and/or easement areas. The applicant also was granted a waiver from the maximum length of the roadway from 720 feet to 820 feet. As stated above, the applicant has spent significant time and effort with RIDEM and the TRC to develop the current development plans. At the Preliminary Plan review stage of this subdivision, the applicant is requesting six waivers from the subdivision regulations. The waivers are as follows:**

- 1. Lot #1 does not conform to the minimum buildable area due to steep slopes and easements.**



- 2. Lot #5 does not conform to the minimum buildable area due to steep slopes and easements.**
- 3. Lot #12 does not conform to the minimum buildable area due to a 200 foot riverfront buffer area.**
- 4. The length of the proposed roadway from the allowed 720 feet to 844 feet.**
- 5. Reduce the right-of-way width from 50 feet to 40 feet**
- 6. Reduce pavement width from 30 feet to 26 feet wide with 7 feet of public easement area running along each side of the paved area.**

**The TRC reviewed each of these waivers and feels that based on the unique characteristics of the property, the proposed subdivision regulation waivers are acceptable.**

**Below is a summary of the proposed conditions of preliminary plan approval.**

- 1. The developer of this project must closely follow all State requirements regarding blasting during the construction of this project.**
- 2. The owner of the project should develop realistic infrastructure and site improvement costs that can be closely scrutinized by the Engineering Department when it comes time to establish the bond requirements.**
- 3. The bond amount must be reviewed and approved by the Planning Board.**
- 4. The developer shall hire a third party engineer to supervise the**

construction of the proposed retaining walls and provide the Town with the proper documentation stating that the engineer supervised the construction of the retaining walls and that the retaining walls have been constructed in accordance with the recommended installation methods as presented in the memorandum from Pare Corporation dated October 5, 2011.

The TRC recommends that the applicant incorporates any concerns brought out during the public hearing and return to the Planning Board next month for preliminary plan review and approval. The applicant must resolve the concerns about the DEM consent agreement.

**b. Lincoln Meadows II AP 45 Lots 181 & 437 Preliminary Plan Phasing**

**- Angellin, LLC Angell Road Discussion/Approval**

This application is under the 2001 Subdivision Regulations and represents the development of a total of 20 residential lots. This project was originally approved as two major subdivision projects. The applicant is in front of the Planning Board to ask for approval to phase the remaining project into three portions. Phasing will allow the applicant to develop smaller portions of the project that can be recorded and sold.

Currently, seven house lots and the associated public infrastructure have been installed, finalized, and recorded. A temporary cul-de-sac terminates the roadway which is named Lincoln Meadows Drive.

Three new house lots fronting Angell Road have been developed. Phase 1 of this proposal is to install and finalize another portion of the looped roadway at the other access point of the development. This roadway will service three new house lots. Phase 2 will extend Lincoln Meadows Drive to accommodate four additional house lots. The extended roadway will terminate in a temporary cul-de-sac. Phase 3 will be the development of the remaining portion of the project.

The TRC reviewed this application to phase the project. The committee had a concern regarding the naming of the roadway that will be part of Phase 1. Ultimately, Lincoln Meadows Drive will form a looped roadway with two separate access points along Angell Road. In the mean time, the Phase 1 portion of roadway will be considered as a separate roadway by the Town. The applicant suggested that the name of the street be Lincoln Meadows Drive. However, that name was not acceptable to the Town. This roadway must have a separate and distinct name for E 9-1-1 purposes. The applicant met with the Town's E 9-1-1 coordinator who assigned a temporary name to the street. This name will change when the loop roadway is finalized. The local fire department reviewed this arrangement and agreed to the solution.

Based on the revised phasing plan, the TRC finds that the request is reasonable and recommends approval. The TRC recommends that final plan approval for Phase 1 and Phase 2 be delegated to the Administrative Officer.

## **Major Land Development Review**

### **a. MacColl Field YMCA AP 25 Lots 58,68,69,71 Preliminary Plan Revision**

#### **- The YMCA of Pawtucket, Inc. Breakneck Hill Road Discussion/Approval**

**On January 26, 2011, the proposed land development project received Preliminary Plan Approval with Conditions for a new 40,000 square foot YMCA recreational building with associated parking. The new YMCA recreational building will be serviced by public water and a private force main sewer which will be the sole responsibility of the property owner to construct, own, operate and maintain, not the Town. The private sewer system will connect the entire complex to the public sewers via an onsite pump station and forcemain running the entire length of the applicant's property up to the existing public gravity line in Breakneck Hill Road. This gravity sewer discharges to a pump station on East Butterfly Way. The Public Works Department requires this existing pump station be rebuilt in order to accommodate the flows from the project as a condition of approval. The design plans for the East Butterfly Pump Station have recently been approved by the Town's Engineering Department.**

**In order to accommodate the applicant's scheduling concerns, the Town and the applicant executed an agreement that outlines the applicant's responsibility and time table to provide the offsite improvement. The applicant also posted a bond in the amount of the offsite improvement as part of the agreement. These offsite**

improvements were to be installed within one year.

Unfortunately, due to a number of circumstances, the applicant may not be able to have this work completed by the end of the one year period. The applicant is requesting an extension of the agreement's time period. The TRC discussed the project's progress and recommends a six month extension of the agreement. This additional time will allow the applicant another construction period to install the offsite improvement.

### **Zoning Applications (\*) - November's Zoning Applications**

James and Kristen Cole, 1854 Old Louisquisset Pike, Lincoln, RI – Application for Dimensional Variance seeking side yard relief for the construction of a master bedroom and bathroom above existing garage.

AP 26, Lot 191 Zoned: RA 40

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The proposed dimensional variance for the side yard is to clear up the pre-existing nonconformance of this parcel of land. The existing garage is located within the setback. This application is to add another story over the existing attached garage. The original footprint of the house will not change. The Technical Review Committee recommends Approval of this application. The TRC finds that the relief requested will not alter

**the general character of the surrounding area or impair the intent or purpose of the Lincoln Zoning Ordinance or the Lincoln Comprehensive Plan.**

**6 Blackstone Valley Place, 222 Jefferson Boulevard, Suite 200, Warwick, RI/T-Lou Realty, LLC, c/o Duffy & Sweeney, LTD, One Financial Plaza, Suite 1800, Providence, RI – Application for Special Use Permit for the operation of a medical office providing surgical services for property located at 6 Blackstone Valley Place, Lincoln, RI.**

**AP 30, Lot 56 Zoned ML 0.5**

**Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The Technical Review Committee recommends Approval of the Special Use Permit for the operation of a medical office providing surgical services. Several medical facilities currently exist within this established office park. The Technical Review Committee feels that the special use permit will not alter the general character of the surrounding area and will not impair the intent and purpose of the zoning ordinance and the Comprehensive Plan.**

#### **Correspondence/Miscellaneous (\*)**

##### **a. Staff Reports**

**b. Truesdale Subdivision AP 23 Lot 261 Administrative Plan Approved**

**c. Angellin LLC Subdivision AP 45 Lots 181 and 353 Administrative  
Plan Approved**

**Respectfully submitted,**

**Albert V. Ranaldi, Jr. AICP**

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**Administrative Officer to the Planning Board**